

Appl. No. 09/936,528

**REMARKS**

Reconsideration is requested in view of the above amendments and the following remarks. Claims 1-18 were previously canceled. Claims 19, 21, and 27-29 are canceled herein without prejudice or disclaimer. New claims 30-32 have been added. Claims 20, 22-26 and 30-32 are pending.

Applicants would like to thank the Examiner for the telephone interview conducted on August 22, 2005 with Applicant's representative, James Larson (Reg. No. 40,443). In the interview, Applicant's representative proposed amending claim 23 to include the language from claim 24, and pointed out that Messenger teaches using a broadcast manager that is separate from the originator that is sending out the data. The Examiner indicated that such an amendment would not distinguish over the current rejection. No agreement was reached concerning allowable subject matter.

**I. Claim amendments**

The amendments to claims 20 and 23 are supported by the original disclosure, for example original page 6, line 20 to original page 7, line 15; original page 12, lines 14-32; and original page 12, line 35 to original page 13, line 9.

Claim 22 is amended to improve its form.

Claim 24 is amended to provide antecedent basis.

Claims 25 and 26 are amended to improve their form.

New claims 30-32 are supported by the original disclosure, for example original page 6, line 20 to original page 7, line 15; original page 12, lines 14-32; and original page 12, line 35 to original page 13, line 9.

No new matter has been added by these amendments.

**II. 35 USC 112 rejections**

Claims 19-29 are rejected under 35 USC 112, second paragraph, as being indefinite for the reasons noted.

With respect to "IP multicasting", the meaning of this claim term would be clear to a person having ordinary skill in the art having read the specification. As noted by the Examiner, IP multicasting was known in the art prior to Applicant's filing date. Therefore, the meaning of

Appl. No. 09/936,528

this term would be well understood by a person reading the specification. With respect to a specific standard of IP multicasting, the specification as filed is enabling under 35 USC 112, first paragraph. As noted, at least one IP multicasting standard, "RFC 1112", was known in the art prior to Applicants filing date. In light of at least this known standard, a person having ordinary skill in the art would know how to make and use the invention at the time of filing. However, other IP multicasting standards in existence at the time of Applicant's filing could be used, and Applicants invention is not necessarily limited to RFC 1112.

With respect to "IP multicasting data", Applicants respectfully submit that this claim term cannot be read in a vacuum but must be read and interpreted in light of the entire specification. As described, IP multicasting data is data that is converted into a form such that it is suitable for multicast transmission. The meaning of this claim term is apparent from reading the specification and satisfies 35 USC 112, second paragraph.

With respect to "Internet broadcasting", Applicants respectfully submit that this claim term cannot be read in a vacuum but must be read and interpreted in light of the entire specification. As described, Internet broadcasting occurs when, upon user request to an internet web server, the server broadcasts or transmits content to the user making the request. The meaning of this claim term is apparent from reading the specification and satisfies 35 USC 112, second paragraph.

With respect to claim 20, amended claim 20 makes it clear which steps of the method are executed, and claim 20 is definite.

### III. Claim rejection

Claims 19-29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6697365 to Messenger in view of US 6181697 to Nurenberg et al. Applicants respectfully traverse.

Messenger and Nurenberg do not teach or suggest a system or method as recited in claims 20 and 23 utilizing a terminal having broadcast receiving means to receive multicast data, data treatment and display means for receiving, processing and displaying the multicast data, and broadcasting transmission means to receive unicast data, transform the unicast data to multicast data, and transmit the transformed multicast data to other terminals.

Appl. No. 09/936,528

By utilizing a terminal having both broadcast receiving means and broadcasting transmission means, the terminal can receive unicast data and transform it into multicast data in the event that the broadcast receiving means does not receive the multicast data for a predetermined period of time (see, e.g., page 13, lines 4-9 of Applicant's specification).

In Messenger, unicast data is transmitted from the originator 100 to listeners 108 (see, e.g., Figure 3). Messenger does not teach or suggest a terminal that has both broadcast receiving means to handle multicast data transmissions and broadcasting transmission means to handle unicast data transmissions and transform the unicast data into multicast data.

Nurenberg teaches a method and system utilizing a number of client terminals 103, 104, 110, 111-1, 111-2, 115, 134, 135 where a unicast network can access a multicast session and re-multicast the session to other terminals or endpoint clients. However, Nurenberg does not teach a terminal having both broadcast receiving means to handle multicast data transmissions and broadcasting transmission means to handle unicast data transmissions and transform the unicast data into multicast data.

For at least this reason, claims 20 and 23 are patentable over Messenger and Nurenberg. Claims 22 and 24-26 depend upon claims 20 and 23, respectively, and are patentable along with claims 20 and 23 and need not be separately distinguished at this time.

#### IV. New claims

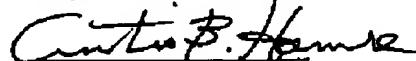
New claims 30-32 are patentable over Messenger and Nurenberg as neither reference teaches a terminal including a broadcasting receiving unit to receive multicast data, and a broadcasting repeating unit to receive unicast data, transform the unicast data to multicast data, and transmit the multicast data to other terminals connected to the terminal.

Appl. No. 09/936,528

V. Conclusion

In view of the above, Applicants request reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any issues related to this matter, please contact Applicants' attorney listed below at 612.455.3802.

Respectfully Submitted,



Dated: 8 September 2005

Curtis B. Hamre  
Reg. No.: 29,165  
Hamre, Schumann, Mueller & Larson, P.C.  
P.O. Box 2902-0902  
Minneapolis, MN 55402  
612.455.3800

CBH:JAL:hjm